

## ***Business, Research and Economic Development***

**PUBLIC 473      An Act Regarding Licensure Requirements for Nurses      LD 1752**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PERRY A	OTP	

Public Law 2005, chapter 473 requires that acceptance of the Canadian Nurses' Association Testing Service Examination for licensure of nurses in the State end on December 31, 2006, after which the exam standards must mirror the federal requirements.

**PUBLIC 474      An Act To Address Emergency Licensure Procedures      LD 1756**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP	

Public Law 2005, chapter 474 provides statutory authority for all bureaus, offices, boards and commissions within or affiliated with the Department of Professional and Financial Regulation to issue temporary licenses for 6 months if an applicant is licensed in another state.

**PUBLIC 475      An Act To Amend the Debt Collection Law      LD 1804**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BRAUTIGAM	OTP	

Public Law 2005, chapter 475 requires out-of-state attorneys who are not licensed to practice law in Maine and whose practices primarily consist of debt collections from Maine consumers to obtain a Maine debt collector license before collecting on debts in this State.

**PUBLIC 476      An Act To Require That Automobile Extended Service Warranties  
Purchased by Maine Citizens Provide for Arbitration in the State      LD 1705**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP	

Public Law 2005, chapter 476 provides that an extended service warranty sold in Maine for a motor vehicle registered in this State that requires arbitration must require the arbitration to occur in Maine.

**PUBLIC 494      An Act To Accommodate Victims of Identity Theft      LD 1834**

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<u>Sponsor(s)</u> GROSE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-759
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Public Law 2005, chapter 494 clarifies that information contained in a consumer's credit report as a result of identity theft is considered inaccurate information for purposes of the Fair Credit Reporting Act and is subject to correction by the consumer reporting agency.

### **PUBLIC 497      An Act To Clarify the Charitable Solicitations Act      LD 1767**

<u>Sponsor(s)</u> HOBBINS SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-469
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Public Law 2005, chapter 497 makes the following changes to the laws relating to charitable solicitations:

1. It eliminates the requirement that professional fund-raising counsel carry a \$25,000 surety bond;
2. It eliminates the requirement that businesses donating less than \$10,000 annually to charitable organizations become registered as commercial co-venturers, which applies the same exemption limit to commercial co-venturers that currently applies to charitable organizations;
3. It amends the definition of "contribution" by adding an exception for money or property received from an organization. This produces the effect of exempting from the registration requirement individuals who contract with charitable organizations to provide grant-writing services for the purpose of obtaining money or property from organizations;
4. It corrects an inconsistency between the definition of "charitable organization" and the description of entities subject to the registration requirements applicable to charitable organizations; and
5. It deletes a reference to the financial report filing fee, which is no longer charged to charitable organizations that receive more than \$30,000 annually in gross contributions.

### **PUBLIC 500      An Act To Protect Small Payroll Processors      LD 1878**

<u>Sponsor(s)</u> ROBINSON DIAMOND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-787
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Public Law 2005, chapter 500 creates the Payroll Processor Recovery Fund, to be maintained by the Finance Authority of Maine and administered by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The law provides payroll processors with the option to provide a \$10,000 bond or letter of credit and the ability to use the fund in lieu of additional surety bonds or letters of credit. The law requires the Office of Consumer Credit Regulation to provide an initial deposit into the fund, followed by annual assessments to those payroll processors that participate in the fund. The law establishes annual assessments to participating payroll processors in an amount equal to 1% of their total bond or letter of credit

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coverage requirement. The law clarifies that supervised financial organizations acting as payroll processors are subject to regulation by the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation.

**PUBLIC 511**      **An Act To Amend the Laws Governing Licensure of Workers in**      **LD 1770**  
**EMERGENCY**      **the Field of Radiologic Technology**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP	
SMITH N		

Public Law 2005, chapter 511 amends the laws governing the scope of practice, licensure and reciprocal licensure of workers in the field of radiologic technology.

Public Law 2005, chapter 511 was enacted as an emergency measure effective March 27, 2006.

**PUBLIC 517**      **An Act To Continue the Tourism Cooperative Marketing Fund**      **LD 1698**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM    MAJ	S-502
SMITH N	ONTP       MIN	

Public Law 2005, chapter 517 repeals the section of law that repeals the Tourism Cooperative Marketing Fund in 2007, thereby continuing the fund.

**PUBLIC 518**      **An Act To Amend the Laws Governing Real Estate Appraiser**      **LD 1919**  
                         **Licensing To Comply with Federal Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRINGTON	OTP-AM	H-810
HOBBS		

Public Law 2005, chapter 518 amends the laws relating to real estate appraisers to comply with the education, experience and examination requirements adopted by the federally recognized appraiser qualifications board, effective January 1, 2008. The law increases the education requirements for licensure and the number of appraisal-related classroom hours. The law also requires an associate's degree or 21 semester credit hours of specific courses identified by the appraiser qualifications board and a bachelor's degree or 30 semester credit hours or specific courses identified by the appraiser qualifications board for applicants applying for the certified residential and certified general license level, respectively.

**PUBLIC 520**      **An Act To Maintain Standards for the Plumbing Profession**      **LD 1923**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-496

Public Law 2005, chapter 520 amends the laws relating to the plumbing profession to allow the option of completion of a registered Department of Labor joint apprenticeship program to satisfy the requirement for a journeyman-in-training license.

### **PUBLIC 555      An Act To Establish the Pine Tree Recreation Zone EMERGENCY**

**LD 192**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOODY DAVIS P	OTP-AM	H-929

Public Law 2005, chapter 555 establishes the Pine Tree Recreation Zone as the area of the State north and east of the Androscoggin River in order to expand recreational and agricultural tourism and economic development in central and northern Maine. The law provides that business projects may be eligible for benefits if they are located within the Pine Tree Recreation Zone, are in a labor market area with a population density of less than 30 people per square mile and derive at least 50% of their business from sustainable recreational or agricultural tourism activities. The law authorizes the Commissioner of Economic and Community Development to adopt major substantive rules to administer the program and to delineate a process by which qualified projects may apply for funding from grants and loans, including loans administered by the Finance Authority of Maine. The law establishes an effective date for the Pine Tree Recreation Zone of January 1, 2008.

In addition, the law directs the Department of Economic and Community Development to convene meetings with representatives of departments and stakeholder associations to gather information on effective methods for attracting, retaining and developing natural resource-based industries and nature-based tourism in central and northern Maine and to structure the eligibility criteria and benefit structure for the Pine Tree Recreation Zone program participants and qualified projects. The law also requires the commissioner to use the information gathered to develop a strategic plan for attracting, retaining and expanding new and existing natural resource-based industries in central and northern Maine and to report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the details of this strategic plan. Finally, the law authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on this issue to the First Regular Session of the 123rd Legislature.

Public Law 2005, chapter 555 was enacted as an emergency measure effective April 10, 2006.

### **PUBLIC 599      An Act To Establish the Midcoast Regional Redevelopment EMERGENCY      Authority**

**LD 1957**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-981

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Public Law 2005, chapter 599 establishes a redevelopment authority for Brunswick Naval Air Station that is responsible for acquiring and managing the properties within the geographic boundaries of the Brunswick Naval Air Station.

Public Law 2005, chapter 599 was enacted as an emergency measure effective April 27, 2006.

### **PUBLIC 604      An Act Relating to Payday Loans**

**LD 2076**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-982

Public Law 2005, chapter 604 provides for the integration of the regulation of Internet-based payday lending into the Maine Consumer Credit Code. The law includes the definition of "payday loan" in the definition section of the Code and amends the territorial application provision of the Code to clarify that it applies to payday lenders, wherever located, that provide payday loans to consumers in this State.

### **PUBLIC 619      An Act To Amend the Laws Governing Home Construction Contracts To Increase Consumer Awareness**

**LD 2089**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1006

Public Law 2005, chapter 619 requires home construction contracts to include as an addendum consumer protection information on home construction and repair as it is provided on the Attorney General's publicly accessible website as well as a clear and conspicuous notice that states consumers are strongly advised to visit the Attorney General's publicly accessible website to gather information on how to enforce their rights when constructing or repairing their home. The law requires the Attorney General and the Criminal Law Advisory Commission to review provisions in the Maine Criminal Code that are available to prosecute home building and improvement contractors that engage in deceptive and fraudulent business practices and determine whether any changes in the criminal code are appropriate. The law requires that proposed changes to the code be submitted to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as well as the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by February 1, 2007.

### **PUBLIC 632      An Act Regarding Prepaid Contracts for Heating Fuel**

**LD 2101**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM	H-1025

Public Law 2005, chapter 632 establishes requirements for prepaid contracts for home heating oil, kerosene or liquefied petroleum gas. The law prohibits home heating oil, kerosene or liquefied petroleum gas dealers from entering into prepaid contracts to provide home heating oil, kerosene or liquefied petroleum gas to consumers unless the dealer has obtained futures contracts, a surety bond or a letter of credit.

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**PUBLIC 637**

**An Act To Implement Certain Recommendations of the  
Washington County Economic Development Task Force**

**LD 1944**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM MAJ	S-597
DUGAY	OTP-AM MIN	S-692 ROTUNDO

Public Law 2005, chapter 637 provides the Commissioner of Economic and Community Development with the authority to establish 2 pilot Pine Tree Development Zone projects in Washington County and the Downeast region. For these projects, the law allows seasonal employees in seasonal industries based on natural resources to be considered full-time employees for the purposes of the Pine Tree Development Zone laws and waives the qualifying business requirements for the property of the former Cutler naval computer and telecommunications station, if a for-profit business is engaged in, or will engage in, tourism development including recreational tourism, experiential tourism, hotel development and resort facility development. The law requires the Commissioner of Economic and Community Development to report by February 15, 2008 to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the progress of the 2 pilot projects, including any proposed changes to the projects. The law authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on the Washington County pilot projects to the Second Regular Session of the 123rd Legislature. It also provides one-time funds for the Washington County Development Authority to be distributed through a request for proposal process.

**PUBLIC 650**

**An Act To Provide Emergency Regional Economic Development  
Assistance for Brunswick Naval Air Station**

**LD 1955**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-980

Public Law 2005, chapter 650 creates a military redevelopment zone that allows a municipality within a labor market that contains a military facility scheduled for closure to apply to the Commissioner of Economic and Community Development to become a military redevelopment zone. The law provides that the total area available for designation as a military redevelopment zone may not exceed 1,500 acres. The law establishes that up to 500 acres may be available for designation outside a military facility boundary, as long as applications are received by the commissioner by August 1, 2011 and up to 1,000 acres may be reserved for property within the boundaries of the military base, as long as applications are received between the date of the military facility's closure and 7 years following the date of closure. Finally, the law also waives the labor market unemployment and wage restrictions for businesses located in a military redevelopment zone.

**PUBLIC 669**

**An Act To Make Changes to the Laws Regarding Pine Tree  
Development Zones**

**LD 2091**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL	OTP-AM MAJ ONTP MIN	H-1026 H-1065 DRISCOLL

Public Law 2005, chapter 669 establishes a waiver of the Pine Tree Development Zone labor market unemployment rate and wage requirements for property that is contained within an industrial site that has sustained a minimum loss of 500 employed workers during the 5-year period preceding the time of application for Pine Tree Development Zone benefits. The law requires that qualified businesses have a base level of employment equal to zero in order to be eligible for these benefits. In addition, the law requires that applications for a waiver under this section be received by August 1, 2010.

**P & S 48**      **An Act To Provide for the 2006 and 2007 Allocations of the State**      **LD 2047**  
**EMERGENCY**      **Ceiling on Private Activity Bonds**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-510

Private and Special Law 2005, chapter 48 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2006 and 2007. Under federal law, a maximum of \$246,610,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2006 and 2007. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2005, chapter 48 was enacted as an emergency measure effective April 7, 2006.

**RESOLVE 137**      **Resolve, Directing the Department of Professional and Financial**      **LD 1508**  
                         **Regulation To Conduct a Sunrise Review Regarding the**  
                         **Regulation of Fire Alarm Contractors**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-468

Resolve 2005, chapter 137 directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the regulation of fire alarm contractors. The resolve directs the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters no later than January 15, 2007 and authorizes the joint standing committee to introduce a bill to the First Regular Session of the 123rd Legislature concerning the regulation of fire alarm contractors.

**RESOLVE 138**      **Resolve, Directing the Department of Professional and Financial**      **LD 1827**  
                         **Regulation To Study Prescription Drug Labeling Requirements**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-763

Resolve 2005, chapter 138 directs the Department of Professional and Financial Regulation to review current statutory requirements for prescription drug labeling, pharmacy practices in the area of prescription drug labeling and methods used by pharmacists to inform consumers about their prescription drugs and any substitutions made to prescriptions. The resolve requires the department to report its findings and recommendations for best practices in the area of prescription drug labeling to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2007. In addition, the resolve authorizes the joint standing committee to report out legislation on prescription drug labeling practices to the First Regular Session of the 123rd Legislature.

### **RESOLVE 176      Resolve, To Ensure That Consumers Are Informed of a Debit Card Hold at the Point of Sale      LD 1835**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH	OTP-AM	H-930

Resolve 2005, chapter 176 provides that persons, firms, partnerships, associations, corporations or limited liability companies may disclose to customers the amount of a debit card hold in the form of a notice, describes the form and content of the notice and includes a sunset provision that repeals this portion of the resolve on December 31, 2007.

The resolve requires the Department of Professional and Financial Regulation, Bureau of Financial Institutions to work with interested parties to develop a consumer awareness brochure that explains debit card holds. It requires the bureau to make the brochure available to financial institutions and merchants. In addition, this resolve requires the Office of the Attorney General to report on the number of consumer complaints received regarding debit card hold practices to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2007.

### **POCKET VETO      An Act Regarding Allocation of the Low-income Housing Credit by the Maine State Housing Authority      LD 1943**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-619

LD 1943 was enacted by the Legislature but was not signed by the Governor at the time the summary was written. The bill would prohibit the Maine State Housing Authority from using selection criteria in allocating the annual state housing credit ceiling for the low-income housing credit or in awarding funds to developers of multifamily housing that reward developers who require construction contractors to conform with employment standards beyond those required to comply with state or federal law.